

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME MSDH		CONTACT PERSON Mitchell Adcock	TELEPHONE NUMBER 6015767847	
ADDRESS 570 East Woodrow Wilson		CITY Jackson	STATE MS	ZIP 39216
EMAIL ingrid.williams@msdh.state.ms.us	SUBMIT DATE 5/25/16	Name or number of rule(s): Title 15, Part 3, Subpart 75 Food Safety, Rule 5.1.1; 5.1.2		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Amend the regulation Title 15, Part 3, Subpart 75, to add Chapter 5 for fees in order to revise existing fees and include new fees. Deleted table that is duplicated in policy and included new table of fees for Bottled Water, Retail Food Establishments, Ice Production Facilities and Manufactured Foods as specified in Chapters 1-4, respectively.

Specific legal authority authorizing the promulgation of rule: MS Code of 1972, Annotated, Sections 75-25-19

List all rules repealed, amended, or suspended by the proposed rule: Rule 1.7.2; 1.9.22; 4.4.1; 4.5.1; 4.6.1; Appendix A

ORAL PROCEEDING:

- ☒ An oral proceeding is scheduled for this rule on Date: June 13, 2016 Time: 0930 Place: Osborne Auditorium MSDH Campus
- ☐ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

- ☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Mitchell Adcock, Deputy State Health Officer, Chief Administrative Officer

Signature of person authorized to file rules: *Mitchell Adcock*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <u>#21985</u>	<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi State Department of Health	CONTACT PERSON Mitchell Adcock	TELEPHONE NUMBER 601-576-7847
ADDRESS 570 E Woodrow Wilson Ave	CITY Jackson	STATE MS
EMAIL Ingrid.williams@msdh.ms.gov	ZIP 39215	
DESCRIPTIVE TITLE OF PROPOSED RULE Title 15-, Part 3, Subpart 75, Chapter 5, Food Safety		
Specific Legal Authority Authorizing the promulgation of Rule: Section 75-25-19	Reference to Rules repealed, amended or suspended by the Proposed Rule: 1.7.2; 1.9.22; 4.4.1; 4.5.1; 4.6.1; Appendix A	

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

These regulation amendments will benefit Mississippi citizens that purchase retail food, bottled water and ice. Benefits will include, but are not limited to, safe and sanitary facilities and ensuring compliance with state regulations by ensuring a continued inspection program.

2. Briefly describe the need for the proposed rule:

Amend the fee schedule in accordance with 2016 HB 289 for providing better protection and safety for the public that purchase retail food, bottled water and ice.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

The proposed action will provide for better overall health, safety, and welfare of for the public that purchase retail food, bottled water and ice.

4. Estimated Cost of implementing proposed action:
- a. To the agency
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - b. To other state or local government entities
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
- c. Cost:
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - d. Economic Benefit:
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
6. Estimated impact on small businesses:
- ☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
- a. Estimate of the number of small businesses subject to the proposed regulation: Approximately 14,000 permitted facilities statewide (both small and large retail food facilities). Approximately 220 bottled water and vending facilities both in-state and out of state. Approximately 500 manufactured food facilities. Approximately 25 ice production facilities both in-state and out of state. The new plan review fee would affect approximately 2,100 food permittees annually.
 - b. Projected costs for small businesses to comply: 15% increase in annual fee
 - c. Statement of probable effect on impacted small businesses: Minimal effect to small business (15%).
7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
- ☐ Substantially less than ☐ moderately less than ☐ minimally less than
☒ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than
8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
- ☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☒ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
- ☐ yes ☒ no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.) N/A


C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form.

Fees were determined using a workload analysis and direction from the legislature (2016 HB 289) on the amount allowed to increase fees.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? An Oral Proceeding is scheduled for June 13, 2016, at 0930 at the Osborne Auditorium, 570 E Woodrow Wilson Ave, Jackson, MS.

SIGNATURE 	TITLE Chief Administrative Officer
DATE 5/25/16	PROPOSED EFFECTIVE DATE OF RULE 30 days after filing